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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,017	11/03/2003	James P. Stephan	9168A	2148

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08/02/2005

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EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,017

Applicant(s)

STEPHAN, JAMES P.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/3/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell (4,334,899), in view of Christofferson (2,082,481).

McConnell discloses an air return grille (16) for seating in an air return opening (col. 1, lines 7-8) adapted for mounting at least one filter (24) comprising a frame (16) defined by a pair of side frame members, a top frame member (44) and a bottom frame member (46), a plurality of inwardly facing spaced apart slat seats (48, 50) provided in the side frame members (40, 42), and a plurality of slats (52) seating on the slat seats (48, 50) (see col. 3, lines 42-48). McConnell further discloses the slat seats (48, 50) disposed at a selected angle with respect to the longitudinal axis of the side members (col. 3, lines 50-56). Claims 1-8 and 15-24 differ from the disclosure of McConnell in that the filter assembly having a centerbar disposed between side members and spanning the top frame member and the bottom frame member. Christofferson discloses a filter assembly for a ventilating system having a centerbar (10) disposed between side members (6) and spanning the top frame member and the bottom frame member (12). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a centerbar as taught by Christofferson in the filter apparatus of McConnell since it is well-known in the art that the centerbar not

only locks the filtering member in the frame, but also reinforces the filtering member against rearward budging under pressure produced by the air drawn or forced through the filter (page 1, right col. Lines 19-26).

Claims 9-14 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell (4,334,899), in view of Christofferson (2,082,481), as applied supra, and further in view of either Lackey et al (6,918,940 B1) or Vogt et al (4,689,058).

Claims 9-14 and 25-30 call for retainer clips mounted on the filter frame for removably mounting the filter on the frame. Lackey et al disclose filter retainer clips (32 in Fig. 3, col. 2, lines 10-32) mounted on the filter frame (12) for removably mounting the filter (26) on the frame (12). Vogt et al disclose filter retainer clips (20 in Fig. 1, col. 3, lines 28-39) mounted on the filter frame (10) for removably mounting the filter (16) on the frame (10). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide retainer clips as taught by either Lackey et al or Vogt et al in the filter apparatus of McConnell and Christofferson since the clips would facilitate easy mounting or removal of filter element onto or off the filter frame for filter replacement due to life or routine maintenance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit: 1724
July 29, 2005